



## **Montana Fish, Wildlife & Parks**

### **DECISION NOTICE**

#### **Marias River WMA Land Exchange Environmental Assessment**

**September 12, 2014**

Region 4 Headquarters  
4600 Giant Springs Rd.  
Great Falls, MT 59405  
(406) 454-5840

### **DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVE CONSIDERED**

#### **Proposed Action**

Montana Fish, Wildlife and Parks (FWP) proposes to exchange approximately 35.9 acres of the Marias River Wildlife Management Area (MRWMA) to the Marias River Bird Preserve (Preserve), LLC, who is an adjacent landowner on the southwest boundary of the WMA, for 1) approximately 76.7 acres the Preserve owns along that boundary, 2) extend an existing access agreement to FWP, and 3) grant administrative access across their property to the southern portion of the WMA via that existing access agreement. No monetary exchange would occur as part of this proposal.

The proposed exchange would address the current access challenges both landowners are facing. The access challenges are the following:

- The Preserve currently has an access easement with another neighboring landowner to access their property from the west as the existing county road does not extend to the Preserve's property. However, access to the largest portion of Preserve's property is most direct by crossing a portion of the MRWMA. FWP has allowed the Preserve's staff to cross the MRWMA to access this portion of their property without restriction. The Preserve's owners wish to further develop their property; however lack of secure access beyond the end of the county road precludes that from moving forward.
- Currently, FWP does not have access to this portion of the MRWMA south of the Marias River. Lack of access prevents needed management activities including weed control measures and construction or maintenance of boundary fencing. The Preserve has allowed neighborly administrative access across their land on an as needed basis to this portion of the WMA.

However, no formal agreement exists allowing FWP to cross neither Preserve's nor another adjacent landowner's property.

### No Action

Under the No Action Alternative, the exchange of properties between FWP and the Preserve would not occur. The two FWP-owned parcels would remain part of the MRWMA. The owners of the Preserve would likely continue to allow administrative access on as needed basis through their property to the parcels for FWP staff. The Preserve would continue to use their parcel for agricultural and livestock activities. FWP would likely continue to allow the Preserve administrative access through the Black Back parcel. However, under this alternative, this would result in a loss of opportunity to protect and/or enhance additional native habitats, loose opportunity to secure administrative access to a portion of the MRWMA for management activities, and reduce the ability for the Preserve to manage its lands

### MONTANA ENVIRONMENTAL POLICY ACT PUBLIC PROCESS

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. FWP released a draft environmental assessment (EA) for public review of the proposed action on August 5, 2014 and accepted public comment until 5:00 P. M. on September 5, 2014.

Notice of the proposal and availability of the Draft EA was published in the *Great Falls Tribune* and the *Choteau Acantha*. Copies of the environmental assessment were distributed to interested individuals, groups, and agencies to ensure their knowledge of the proposed project. The EA was available for public review on FWP's web site (<http://fwp.mt.gov/>, "Recent Public Notices" and "Submit Public Comments") during the public comment period. An FWP public notice was issued August 4, 2014 and posted on FWP's website (<http://fwp.mt.gov/>, "News Releases").

### SUMMARY OF PUBLIC COMMENT


FWP received 2 written comments. Both comments were in support of the land exchange. No comments were received opposing the land exchange.

### DECISION

In reviewing the public comment, evaluating the environmental effects, and other relevant information, I recommend that FWP pursue the land exchange between FWP and the Marias River Bird Preserve, LLC and recommend that the Fish & Wildlife Commission approve the proposed action as well. This action will also require the approval of the Montana Board of Land Commissioners at an upcoming meeting.

Through the MEPA process, FWP found no significant impacts on the human or physical environments associated with this proposal. Therefore, the EA is the appropriate level of analysis, and an environmental impact statement is not required.

After review of this proposal, it is my decision to accept the draft EA as supplemented by this Decision Notice; in combination, these documents constitute the Final EA. FWP believes the completion of this project is in the best interests of wildlife, habitat conservation, and public recreation.

  
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Gary Bertellotti  
Region 4 Fish and Wildlife Supervisor  
Montana Fish, Wildlife & Parks

9/11/2014  
Date